

2005 DRAFTING REQUEST

Bill

Received: **09/30/2004**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Milioto**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact: **DHFS**

Addl. Drafters:

Subject: **Health - long-term care**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **robin.ryan@legis.state.wi.us**

Pre Topic:

DOA:.....Milioto, BB0019 -

Topic:

Life Lease

Instructions:

See Attached; same as 2003 AB 920

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	dkennedy 09/30/2004	wjackson 10/15/2004		_____			S&L
/1			jfrantze 10/18/2004	_____	sbasford 10/18/2004		S&L
/2	dkennedy 01/21/2005	wjackson 01/21/2005	jfrantze 01/21/2005	_____	mbarman 01/21/2005		S&L
/3	dkennedy	wjackson	rschluet	_____	sbasford		S&L

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	01/31/2005	01/31/2005	01/31/2005	_____	01/31/2005		
/4	dkennedy 02/01/2005	wjackson 02/01/2005	pgreensl 02/01/2005	_____ _____	mbarman 02/01/2005		

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/3	dkennedy	wjackson	rschluet	_____	sbasford		

14 WLj 2/1

2/1 p8

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May Contact: **DHFS**

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Extra Copies: **RLR**

Submit via email: **NO**

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/1		1/2 WJ 1/21	jfrantze 10/18/2004		sbasford 10/18/2004		

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Extra Copies: **RLR**

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/?	dkennedy	1 WLJ 10/15	J 10/18	J/Rs 10/18			

FE Sent For:

<END>

DAK BB0019
- 0344

2003-05 Budget Bill Statutory Language Drafting Request

- Topic: Life Lease
- Tracking Code:
- SBO team: Health and Insurance
- SBO analyst: Steve Milioto
 - Phone: 266-8593
 - Email: steve.milioto@doa.state.wi.us
- Agency acronym: DHFS
- Agency number: 435

DHFS

Department of Health and Family Services
2005-2007 Biennial Budget Statutory Language Request
September 21, 2004

Life Lease

Current Language

Section 46.277 governs the CIP II program, the MA Home and Community Based Waiver program for frail elders and people with disabilities who relocate from nursing homes to the community.

Proposed Change

Adopt the provisions of 2003 Assembly Bill 920

Effect of the Change

The change would enable the Department to implement Life Lease, an expansion of the CIP II waiver program for adults who are elderly or physically disabled. Under Life Lease, CIP II funding would be available to counties for all nursing home residents who wish to relocate to the community, without the requirement that the nursing home bed close. The Life Lease funding would be available for as long as the relocated individual uses community based long term care. Counties would no longer receive Life Lease funding for a person after the person dies or returns to a nursing home.

Rationale for the Change

Under current law, the Department can create a new permanent CIP II "slot" for a person who relocates from a nursing home to the community. The slot is funded with transfers from the MA nursing home budget. However, the nursing home bed the person occupied must be delicensed in order for the slot to be created.

Through Life Lease, the Department will be able to make funding available for any individual who wishes to relocate from a nursing home to the community, regardless of whether a nursing home bed is delicensed.

As of July 2004, there were 492 elderly and physically disabled individuals in institutions who have expressed a desire to live in a community setting and were on waiting lists for community long term care programs. The Department projects that counties will be able to relocate 315

individuals from nursing homes to the community in the 2005-2007 biennium under Life Lease.

Life Lease will generate cost savings to the MA budget because community care for relocated individuals is on average less expensive than institutional care. The estimated savings will equal (\$258,100) GPR in FY 06 and (\$711,300) GPR in FY 07.

Desired Effective Date:	Upon passage
Agency:	DHFS
Agency Contact:	Andy Forsaith
Phone:	266-7684

2005

Date (time)
needed

SOON - In edit
9/30

LRB- 0344 / 1

DOA BUDGET DRAFT

DAK : WLj :

Use the appropriate components and routines developed for bills.

>>FOR 2005-07 BUDGET — NOT READY FOR INTRODUCTION<<

AN ACT . . . [DO NOT generate catalog]; relating to: the budget

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create → anal: → title: → head

For the subheading, execute: create → anal: → title: → sub

For the sub-subheading, execute: create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create → anal: → text

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION #.

2003 ASSEMBLY BILL 920

heading → HEALTH AND HUMAN SERVICES
subheading → (CS) MEDICAL ASSISTANCE

March 2, 2004 - Introduced by Representatives POPE, ROBERTS, KRUSICK, BOYLE, MILLER, BERCEAU, YOUNG and VRUWINK, cosponsored by Senators HANSEN and JAUCH. Referred to Joint Committee on Finance.

LPS: Please
proof amended
stats. w/ Folio

DO NOT GENERATE
CATALOG

1 AN ACT ~~to renumber~~ 46.277 (1m) (a); ~~to amend~~ 46.277 (1), 46.277 (2) (intro.),
2 46.277 (3) (a), 46.277 (3) (b) 1., 46.277 (3) (b) 2., 46.277 (4) (a), 46.277 (4) (b),
3 46.277 (5) (g) and 46.277 (5g) (a); and ~~to create~~ 46.277 (1m) (ag) and 46.277 (4)
4 (c) of the statutes; ~~relating to~~ provision of home and community-based
5 services under a community integration program to persons relocated from
6 facilities, during the period of the relocation. -STET

Analysis by the Legislative Reference Bureau

Currently, the Department of Health and Family Services (DHFS) administers a Community Integration Program (commonly known as "CIP II"), under which Medical Assistance (MA) moneys are paid to counties to provide home and community-based services, under a waiver of federal Medicaid laws, to elderly and physically disabled persons who meet the level of care requirements for MA-reimbursed nursing home care or are relocated from facilities. DHFS must establish a uniform daily rate for CIP II and reimburse counties up to that rate for each person enrolled in CIP II. ~~Under 2003 Wisconsin Act 33 (the biennial budget act),~~ DHFS may provide enhanced reimbursement for CIP II services for a person who is relocated to the community from a nursing home by a county ~~after July 16, 2003,~~ if the nursing home bed used by the person is delicensed upon the person's relocation.

This bill authorizes DHFS to provide CIP II funding for home and community-based services to an MA-eligible person who relocates from a facility to

ASSEMBLY BILL 920

the community. Reimbursement is not conditioned on delicensure of a nursing home bed upon the person's relocation. The funding begins on the date of the relocation and ends on the date that the person discontinues program participation or no longer meets the level of care requirements for MA reimbursement in a nursing home. Funding in the aggregate for these relocated persons may not exceed the total MA costs for the persons if served in nursing homes. DHFS may provide an enhanced reimbursement rate for the services. The total number of persons who may participate in this particular aspect of CIP II is not restricted by limitations on numbers participating in the remainder of CIP II.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 46.277 (1) of the statutes is amended to read:

2 46.277 (1) LEGISLATIVE INTENT. The intent of the program under this section is
3 to provide home or community-based care to serve in a noninstitutional community
4 setting a person who meets eligibility requirements under 42 USC 1396n (c) and is
5 relocated from an institution other than a state center for the developmentally
6 disabled or meets the level of care requirements for medical assistance
7 reimbursement in a skilled nursing facility or an intermediate care facility, except
8 that the number of persons who receive home or community-based care under this
9 section is not intended, other than under sub. (4) (c), to exceed the number of nursing
10 home beds that are delicensed as part of a plan submitted by the facility and
11 approved by the department. The intent of the program is also that counties use all
12 existing services for providing care under this section, including those services
13 currently provided by counties.

14 **SECTION 2.** 46.277 (1m) (a) of the statutes is renumbered 46.277 (1m) (ak).

15 **SECTION 3.** 46.277 (1m) (ag) of the statutes is created to read:

ASSEMBLY BILL 920

1 46.277 (1m) (ag) “Delicensed” means deducted from the number of beds stated
2 on a facility’s license, as specified under s. 50.03 (4) (e).

3 **SECTION 4.** 46.277 (2) (intro.) of the statutes is amended to read:

4 46.277 (2) DEPARTMENTAL POWERS AND DUTIES. (intro.) The department may
5 request a waiver from the secretary of the federal department of health and human
6 services, under 42 USC 1396n (c), authorizing the department to serve medical
7 assistance recipients, who meet the level of care requirements for medical assistance
8 reimbursement in a skilled nursing facility or an intermediate care facility, in their
9 communities by providing home or community-based services as part of medical
10 assistance. ~~The~~ Except under sub. (4) (c), the number of persons for whom the waiver
11 is requested may not exceed the number of nursing home beds that are delicensed
12 as part of a plan submitted by the facility and approved by the department. If the
13 department requests a waiver, it shall include all assurances required under 42 USC
14 1396n (c) (2) in its request. If the department receives this waiver, it may request
15 one or more 3-year extensions of the waiver under 42 USC 1396n (c) and shall
16 perform the following duties:

17 **SECTION 5.** 46.277 (3) (a) of the statutes is amended to read:

18 46.277 (3) (a) Sections 46.27 (3) (b) and 46.275 (3) (a) and (c) to (e) apply to
19 county participation in this program, except that services provided in the program
20 shall substitute for care provided a person in a skilled nursing facility or
21 intermediate care facility who meets the level of care requirements for medical
22 assistance reimbursement to that facility rather than for care provided at a state
23 center for the developmentally disabled. ~~The~~ Except in sub. (4) (c), the number of
24 persons who receive services provided by the program under this paragraph may not
25 exceed the number of nursing home beds, other than beds specified in sub. (5g) (b),

ASSEMBLY BILL 920**SECTION 5**

1 that are delicensed as part of a plan submitted by the facility and approved by the
2 department.

3 **SECTION 6.** 46.277 (3) (b) 1. of the statutes is amended to read:

4 46.277 (3) (b) 1. ~~If Except under sub. (4) (c), if~~ the provision of services under
5 this section results in a decrease in the statewide nursing home bed limit under s.
6 150.31 (3), the facility affected by the decrease shall submit a plan for delicensing all
7 or part of the facility that is approved by the department.

8 **SECTION 7.** 46.277 (3) (b) 2. of the statutes is amended to read:

9 46.277 (3) (b) 2. Each county department participating in the program shall
10 provide home or community-based care to persons eligible under this section, except
11 that the number of persons who receive home or community-based care under this
12 section may not exceed, other than under sub. (4) (c), the number of nursing home
13 beds, other than beds specified in sub. (5g) (b), that are delicensed as part of a plan
14 submitted by the facility and approved by the department.

15 **SECTION 8.** 46.277 (4) (a) of the statutes is amended to read:

16 46.277 (4) (a) Any medical assistance recipient who meets the level of care
17 requirements for medical assistance reimbursement in a skilled nursing facility or
18 intermediate care facility is eligible to participate in the program, except that the
19 number of participants may not exceed, other than under par. (c), the number of
20 nursing home beds, other than beds specified in sub. (5g) (b), that are delicensed as
21 part of a plan submitted by the facility and approved by the department. Such a
22 recipient may apply, or any person may apply on behalf of such a recipient, for
23 participation in the program. Section 46.275 (4) (b) applies to participation in the
24 program.

25 **SECTION 9.** 46.277 (4) (b) of the statutes is amended to read:

ASSEMBLY BILL 920

1 46.277 (4) (b) To the extent authorized under 42 USC 1396n and except under
2 par. (c), if a person discontinues participation in the program, a medical assistance
3 recipient may participate in the program in place of the participant who discontinues
4 if that recipient meets the level of care requirements for medical assistance
5 reimbursement in a skilled nursing facility or intermediate care facility, except that
6 the number of participants may not exceed the number of nursing home beds, other
7 than beds specified in sub. (5g) (b), that are delicensed as part of a plan submitted
8 by the facility and approved by the department.

9 **SECTION 10.** 46.277 (4) (c) of the statutes is created to read:

10 46.277 (4) (c) The department may, under this paragraph, provide funding
11 under this section for services for a medical assistance recipient who relocates from
12 a facility to the community, beginning on the date of the relocation and ending on the
13 date that the individual discontinues participation in the program or no longer meets
14 the level of care requirements for medical assistance reimbursement in a skilled
15 nursing facility or an intermediate care facility. Funding for medical assistance costs
16 for individuals relocated under this paragraph may not exceed, in the aggregate,
17 total medical assistance costs for the individuals if served in facilities. The total
18 number of individuals who may participate in the program under this paragraph is
19 not restricted by any otherwise applicable limitation on the number of individuals
20 who may participate in the program under this section.

LPS:

Please
Fix
comp.

(21) **SECTION 11.** 46.277 (5) (g) of the statutes, ~~as created by 2003 Wisconsin Act 33,~~
22 is amended to read:

23 46.277 (5) (g) The department may provide enhanced reimbursement for
24 services provided under this section to an individual who is relocated to the
25 community from a nursing home by a county department on or after July 26, 2003,

ASSEMBLY BILL 920**SECTION 11**

1 if the nursing home bed that was used by the individual is delicensed upon relocation
2 of the individual or if the individual is relocated under sub. (4) (c). The department
3 shall develop and utilize a formula to determine the enhanced reimbursement rate.

4 **SECTION 12.** 46.277 (5g) (a) of the statutes is amended to read:

5 46.277 (5g) (a) The Except under sub. (4) (c), the number of persons served
6 under this section may not exceed the number of nursing home beds that are
7 delicensed as part of a plan submitted by the facility and approved by the
8 department.

9 (END)

1/21/05 From Steve Miliato:

0344

Revise draft; when person in n.h. is relocated to community, bed must be reserved for that person's potential future use until person dies.

Kennedy, Debora

From: Milioto, Steve
Sent: Friday, January 21, 2005 8:50 AM
To: Kennedy, Debora
Cc: Johnston, James
Subject: Draft 344

Importance: High

Hi Debora --

I have a last minute change for you in regard to draft 344.

The Governor hates the Life Lease concept and name. So, the only change he wants is to reduce a bed when a person relocated to the community under CIP II dies. In effect, this would mean a reduction in the statewide bed cap each year (dependent, of course, on whether relocations continue at a steady clip or not.)

Please revise draft 344 to reflect this idea. Feel free to give me a call about this. Best, Steve



(In edit 1/21)
State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0344/122

DAK:wlj:jf

DOA:.....Milioto, BB0019 - Life Lease

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

TODAY
Please

DO NOT GEN

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must reserve a bed for potential future use by
the relocated person. At the death
of the person, DHFS must delicense the nursing home bed.

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2 **46.277 (2) DEPARTMENTAL POWERS AND DUTIES.** (intro.) The department may
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17 number of participants may not exceed, other than under par. (c), the number of
18 nursing home beds, other than beds specified in sub. (5g) (b), that are delicensed as
19 part of a plan submitted by the facility and approved by the department. Such a
20 recipient may apply, or any person may apply on behalf of such a recipient, for
21 participation in the program. Section 46.275 (4) (b) applies to participation in the
22 program.

23 **SECTION 9.** 46.277 (4) (b) of the statutes is amended to read:

24 46.277 (4) (b) To the extent authorized under 42 USC 1396n and except under
25 par. (c), if a person discontinues participation in the program, a medical assistance

INSERT 5-13

1 recipient may participate in the program in place of the participant who discontinues
2 if that recipient meets the level of care requirements for medical assistance
3 reimbursement in a skilled nursing facility or intermediate care facility, except that
4 the number of participants may not exceed the number of nursing home beds, other
5 than beds specified in sub. (5g) (b), that are delicensed as part of a plan submitted
6 by the facility and approved by the department.

7 **SECTION 10.** 46.277 (4) (c) of the statutes is created to read:

8 46.277 (4) (c) The department may, under this paragraph, provide funding
9 under this section for services for a medical assistance recipient who relocates from
10 a facility to the community, beginning on the date of the relocation and ending on the
11 date that the individual ^{dies} discontinues participation in the program or no longer meets
12 the level of care requirements for medical assistance reimbursement in a skilled
13 nursing facility or an intermediate care facility. Funding for medical assistance costs
14 for individuals relocated under this paragraph may not exceed, in the aggregate,
15 total medical assistance costs for the individuals if served in facilities. The total
16 number of individuals who may participate in the program under this paragraph is
17 not restricted by any otherwise applicable limitation on the number of individuals
18 who may participate in the program under this section.

19 **SECTION 11.** 46.277 (5) (g) of the statutes is amended to read:

20 46.277 (5) (g) The department may provide enhanced reimbursement for
21 services provided under this section to an individual who is relocated to the
22 community from a nursing home by a county department on or after July 26, 2003,
23 if the nursing home bed that was used by the individual is delicensed upon relocation
24 of the individual or if the individual is relocated under sub. (4) (c). The department
25 shall develop and utilize a formula to determine the enhanced reimbursement rate.

1 **SECTION 12.** 46.277 (5g) (a) of the statutes is amended to read:

2 46.277 **(5g)** (a) The Except under sub. (4) (c), the number of persons served
3 under this section may not exceed the number of nursing home beds that are
4 delicensed as part of a plan submitted by the facility and approved by the
5 department.

6 (END)

INSERT 5-13

not A nursing home bed corresponding to the
bed that was used by the individual shall
be reserved by the nursing home for
the individual's potential future use. Upon
the death of the individual, the bed shall
be delicensed by the department.

Life Lease Statutory Change

Proposed Statutory Change:

Step 1: Withdraw Life Lease changes in DHFS Request (LRB-0344)

Step 2: Make the following change to current law s. 46.277(5)(g):

46,277(5)(g) The department may provide enhanced reimbursement for services provided under this section to an individual who is relocated to the community from a nursing home bed by a county department on or after July 26, 2003, ~~if the nursing home bed that was used by the individual is delicensed upon relocation of the individual as long as the number of people served under this section does not exceed the number of nursing home beds that have been delicensed.~~ The Department shall develop and utilize a formula to determine the enhanced reimbursement rate.

are

under

as

part of plans

submitted by

facilities and

approved by

the department

Kennedy, Debora

From: Milioto, Steve
Sent: Friday, January 28, 2005 3:14 PM
To: Kennedy, Debora
Cc: Johnston, James
Subject: FW: Life Lease Stat language

Importance: High



Life Lease Stat
Language Gov's...

Hi Debora --

I hesitate to ask but is it too late to make the change contained in the attachment below? This would be for draft 344. All DHFS and DOA requested changes prior to the one contained below would no longer apply.

I am extremely apologetic for the last minute nature of this and will certainly understand if this has to appear as an errata on our part. Best, Steve

-----Original Message-----

From: Forsaith, Andrew
Sent: Friday, January 28, 2005 2:28 PM
To: Johnston, James; Milioto, Steve
Subject: Life Lease Stat language

Kennedy, Debora

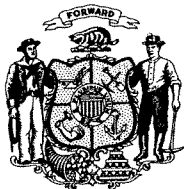
From: Johnston, James
Sent: Monday, January 31, 2005 2:19 PM
To: Bove, Fredi-Ellen; Forsaith, Andrew
Cc: Milibto, Steve; Kennedy, Debora
Subject: FW: CIP II language

We are also planning to update the applicability date for the new language so that the enhanced rate for relocations, under the changes we are making to s. 46.277(5)(g), applies to relocations that take place after the effective date of the bill.

-----Original Message-----

From: Johnston, James
Sent: Monday, January 31, 2005 1:50 PM
To: Forsaith, Andrew
Cc: Bove, Fredi-Ellen
Subject: CIP II language

As long as the number of people served under this section does not exceed the number of nursing home beds that have been delicensed as part of plans submitted by facilities and approved by the department.



[NOW]
State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0344/3

DAK:wlj:3

DOA:.....Milioto, BB0019 - Life Lease

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

Do Not Gen

- 1 AN ACT ...; relating to: ~~provision of home and community based services under~~
2 ~~a community integration program to persons relocated from facilities, during~~
3 ~~the period of the relocation.~~ the budget

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Currently, DHFS administers a Community Integration Program (commonly known as "CIP II"), under which Medical Assistance (MA) moneys are paid to counties to provide home and community-based services, under a waiver of federal Medicaid laws, to elderly and physically disabled persons who meet the level of care requirements for MA-reimbursed nursing home care or who are relocated from facilities. DHFS must establish a uniform daily rate for CIP II and reimburse counties up to that rate for each person enrolled in CIP II. DHFS may provide enhanced reimbursement for CIP II services for a person who is relocated to the community from a nursing home by a county if the nursing home bed used by the person is delicensed upon the person's relocation. *enhanced*

This bill authorizes DHFS to provide CIP II funding for home and community-based services to an MA-eligible person who relocates from a facility to the community. ~~Reimbursement is not conditioned on delicensure of a nursing home bed upon the person's relocation, rather, the nursing home must reserve a bed for~~

if the number of persons served does not exceed the number of nursing home beds delicensed as part of plans submitted by nursing homes and approved by DHFS

potential future use by the relocated person. At the death of the person, DHFS must delicense the nursing home bed. The funding begins on the date of the relocation and ends on the date that the person discontinues program participation or no longer meets the level of care requirements for MA reimbursement in a nursing home. Funding in the aggregate for these relocated persons may not exceed the total MA costs for the persons if served in nursing homes. DHFS may provide an enhanced reimbursement rate for the services. The total number of persons who may participate in this particular aspect of CIP II is not restricted by limitations on numbers participating in the remainder of CIP II.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 46.277 (1) of the statutes is amended to read:

2 46.277 (1) LEGISLATIVE INTENT. The intent of the program under this section is
3 to provide home or community-based care to serve in a noninstitutional community
4 setting a person who meets eligibility requirements under 42 USC 1396n (c) and is
5 relocated from an institution other than a state center for the developmentally
6 disabled or meets the level of care requirements for medical assistance
7 reimbursement in a skilled nursing facility or an intermediate care facility, except
8 that the number of persons who receive home or community-based care under this
9 section is not intended, other than under sub. (4) (c), to exceed the number of nursing
10 home beds that are delicensed as part of a plan submitted by the facility and
11 approved by the department. The intent of the program is also that counties use all
12 existing services for providing care under this section, including those services
13 currently provided by counties.

14 **SECTION 2.** 46.277 (1m) (a) of the statutes is renumbered 46.277 (1m) (ak).

15 **SECTION 3.** 46.277 (1m) (ag) of the statutes is created to read:

1 46.277 (1m) (ag) “Delicensed” means deducted from the number of beds stated
2 on a facility’s license, as specified under s. 50.03 (4) (e).

3 **SECTION 4.** 46.277 (2) (intro.) of the statutes is amended to read:

4 46.277 (2) DEPARTMENTAL POWERS AND DUTIES. (intro.) The department may
5 request a waiver from the secretary of the federal department of health and human
6 services, under 42 USC 1396n (c), authorizing the department to serve medical
7 assistance recipients, who meet the level of care requirements for medical assistance
8 reimbursement in a skilled nursing facility or an intermediate care facility, in their
9 communities by providing home or community-based services as part of medical
10 assistance. ~~The Except under sub. (4) (c), the number of persons for whom the waiver~~
11 is requested may not exceed the number of nursing home beds that are delicensed
12 as part of a plan submitted by the facility and approved by the department. If the
13 department requests a waiver, it shall include all assurances required under 42 USC
14 1396n (c) (2) in its request. If the department receives this waiver, it may request
15 one or more 3-year extensions of the waiver under 42 USC 1396n (c) and shall
16 perform the following duties:

17 **SECTION 5.** 46.277 (3) (a) of the statutes is amended to read:

18 46.277 (3) (a) Sections 46.27 (3) (b) and 46.275 (3) (a) and (c) to (e) apply to
19 county participation in this program, except that services provided in the program
20 shall substitute for care provided a person in a skilled nursing facility or
21 intermediate care facility who meets the level of care requirements for medical
22 assistance reimbursement to that facility rather than for care provided at a state
23 center for the developmentally disabled. ~~The Except in sub. (4) (c), the number of~~
24 persons who receive services provided by the program under this paragraph may not
25 exceed the number of nursing home beds, other than beds specified in sub. (5g) (b),

1 that are delicensed as part of a plan submitted by the facility and approved by the
2 department.

3 **SECTION 6.** 46.277 (3) (b) 1. of the statutes is amended to read:

4 46.277 (3) (b) 1. If Except under sub. (4) (c), if the provision of services under
5 this section results in a decrease in the statewide nursing home bed limit under s.
6 150.31 (3), the facility affected by the decrease shall submit a plan for delicensing all
7 or part of the facility that is approved by the department.

8 **SECTION 7.** 46.277 (3) (b) 2. of the statutes is amended to read:

9 46.277 (3) (b) 2. Each county department participating in the program shall
10 provide home or community-based care to persons eligible under this section, except
11 that the number of persons who receive home or community-based care under this
12 section may not exceed, other than under sub. (4) (c), the number of nursing home
13 beds, other than beds specified in sub. (5g) (b), that are delicensed as part of a plan
14 submitted by the facility and approved by the department.

15 **SECTION 8.** 46.277 (4) (a) of the statutes is amended to read:

16 46.277 (4) (a) Any medical assistance recipient who meets the level of care
17 requirements for medical assistance reimbursement in a skilled nursing facility or
18 intermediate care facility is eligible to participate in the program, except that the
19 number of participants may not exceed, other than under par. (c), the number of
20 nursing home beds, other than beds specified in sub. (5g) (b), that are delicensed as
21 part of a plan submitted by the facility and approved by the department. Such a
22 recipient may apply, or any person may apply on behalf of such a recipient, for
23 participation in the program. Section 46.275 (4) (b) applies to participation in the
24 program.

25 **SECTION 9.** 46.277 (4) (b) of the statutes is amended to read:

1 46.277 (4) (b) To the extent authorized under 42 USC 1396n and except under
2 par. (c), if a person discontinues participation in the program, a medical assistance
3 recipient may participate in the program in place of the participant who discontinues
4 if that recipient meets the level of care requirements for medical assistance
5 reimbursement in a skilled nursing facility or intermediate care facility, except that
6 the number of participants may not exceed the number of nursing home beds, other
7 than beds specified in sub. (5g) (b), that are delicensed as part of a plan submitted
8 by the facility and approved by the department.

9 **SECTION 10.** 46.277 (4) (c) of the statutes is created to read:

10 46.277 (4) (c) The department may, under this paragraph, provide funding
11 under this section for services for a medical assistance recipient who relocates from
12 a facility to the community, beginning on the date of the relocation and ending on the
13 date that the individual dies, discontinues participation in the program, or no longer
14 meets the level of care requirements for medical assistance reimbursement in a
15 skilled nursing facility or an intermediate care facility. A nursing home bed
16 corresponding to the bed that was used by the individual shall be reserved by the
17 nursing home for the individual's potential future use. Upon the death of the
18 individual, the bed shall be delicensed by the department. Funding for medical
19 assistance costs for individuals relocated under this paragraph may not exceed, in
20 the aggregate, total medical assistance costs for the individuals if served in facilities.
21 The total number of individuals who may participate in the program under this
22 paragraph is not restricted by any otherwise applicable limitation on the number of
23 individuals who may participate in the program under this section.

24 **SECTION 11.** 46.277 (5) (g) of the statutes is amended to read:

the effective date
of this paragraph [cursor inserts date]

Kennedy, Debora

From: Milioto, Steve
Sent: Tuesday, February 01, 2005 2:29 PM
To: Johnston, James; Kennedy, Debora
Subject: Community Relocations draft

Importance: High

Jim and Debora --

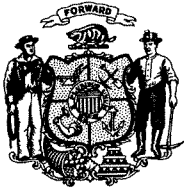
I was rereading draft 344 this afternoon. I'm less certain today than I was yesterday about the enhanced reimbursement and how it will work for those relocations that have occurred since July 26, 2003.

Since the draft now refers to the effective date of the bill and deletes the July 26, 2003 reference, the post-July 26, 2003/pre-effective date relocations that enjoy enhanced reimbursement may fall into a kind of limbo where there is no governing language for these relocations.

I guess I would feel more comfortable if we specified in 46.277(5)(g) that relocations made with the enhanced reimbursement after July 26, 2003 but before the effective date of the bill would still be able to enjoy the enhanced reimbursement.

If it's not too late to make this change, I would like to make it. If not, this may be a candidate for the errata list. Best, Steve

2/1/05: From Steve Milioto; they decided not
to make this change.
DAK: word "section" should be
changed to "paragraph"; Steve agreed



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0344/3 4

DAK:wlj:rs

DOA:.....Milioto, BB0019 - Life Lease

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

Wed. am
Please

Do Not Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Currently, DHFS administers a Community Integration Program (commonly known as "CIP II"), under which Medical Assistance (MA) moneys are paid to counties to provide home and community-based services, under a waiver of federal Medicaid laws, to elderly and physically disabled persons who meet the level of care requirements for MA-reimbursed nursing home care or who are relocated from facilities. DHFS must establish a uniform daily rate for CIP II and reimburse counties up to that rate for each person enrolled in CIP II. DHFS may provide enhanced reimbursement for CIP II services for a person who is relocated to the community from a nursing home by a county if the nursing home bed used by the person is delicensed upon the person's relocation.

This bill authorizes DHFS to provide enhanced CIP II funding for home and community-based services to an MA-eligible person who relocates from a facility to the community, if the number of persons served does not exceed the number of nursing home beds delicensed as part of plans submitted by nursing homes and approved by DHFS.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 46.277 (1m) (ag) of the statutes is created to read:

46.277 (**1m**) (ag) “Delicensed” means deducted from the number of beds stated on a facility’s license, as specified under s. 50.03 (4) (e).

SECTION 2. 46.277 (5) (g) of the statutes is amended to read:

46.277 (5) (g) The department may provide enhanced reimbursement for services provided under this section to an individual who is relocated to the community from a nursing home by a county department on or after July 26, 2003 the effective date of this paragraph [revisor inserts date], if the nursing home bed that was used by the individual is delicensed upon relocation of the individual number of individuals served under this section does not exceed the number of nursing home beds that are delicensed as part of plans submitted by nursing homes and approved by the department. The department shall develop and utilize a formula to determine the enhanced reimbursement rate.

(END)

Paragraph



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0344/4

DAK:wlj:pg

DOA:.....Milioto, BB0019 - Life Lease

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Currently, DHFS administers a Community Integration Program (commonly known as "CIP II"), under which Medical Assistance (MA) moneys are paid to counties to provide home and community-based services, under a waiver of federal Medicaid laws, to elderly and physically disabled persons who meet the level of care requirements for MA-reimbursed nursing home care or who are relocated from facilities. DHFS must establish a uniform daily rate for CIP II and reimburse counties up to that rate for each person enrolled in CIP II. DHFS may provide enhanced reimbursement for CIP II services for a person who is relocated to the community from a nursing home by a county if the nursing home bed used by the person is delicensed upon the person's relocation.

This bill authorizes DHFS to provide enhanced CIP II funding for home and community-based services to an MA-eligible person who relocates from a facility to the community, if the number of persons served does not exceed the number of nursing home beds delicensed as part of plans submitted by nursing homes and approved by DHFS.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 46.277 (1m) (ag) of the statutes is created to read:

46.277 (1m) (ag) “Delicensed” means deducted from the number of beds stated on a facility’s license, as specified under s. 50.03 (4) (e).

SECTION 2. 46.277 (5) (g) of the statutes is amended to read:

46.277 (5) (g) The department may provide enhanced reimbursement for services provided under this section to an individual who is relocated to the community from a nursing home by a county department on or after July 26, 2003 the effective date of this paragraph [revisor inserts date], if the nursing home bed that was used by the individual is delicensed upon relocation of the individual number of individuals served under this paragraph does not exceed the number of nursing home beds that are delicensed as part of plans submitted by nursing homes and approved by the department. The department shall develop and utilize a formula to determine the enhanced reimbursement rate.

(END)